AN ACT

TO AMEND THE PROVISIONS OF THE SEVERAL ACTS
RELATING TO THE

INCORPORATION OF THE CITY OF QUEBEC.

33 Victoria, Cap. 46.



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ANNO TRICESIMO-TERTIO.

VICTORIÆ REGINÆ.

CAP. XLVI.

An act to amend the provisions of the several acts relating to the incorporation of the city of Quebec.

[*Assented to 1st February*, 1870.]

WHEREAS a great number of the municipal electors of the corporation of the city of Quebec have, by their petition, prayed to obtain amendments to the several acts concerning the incorporation of the city of Quebec and the water works of the said city; and whereas the corporation of the said city of Quebec has, by its petition, prayed for certain amendments to the several acts relating to the incorporation of the said city; and whereas it is expedient to legislate in the premises;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Section five of the act twenty-ninth Victoria, chapter fifty-seven, is repealed by the present act, and the following section substituted therefor:

1. On and after the first Monday of May following the passing of this act, the council of the city of Quebec shall consist of the mayor, eight aldermen and sixteen councillors, that is to say, of one alderman and two councillors for each ward; the said councillors and aldermen shall hold office during two years. City Council.

Mayor by whom elected. His term of office.

2. The mayor shall be elected by the absolute majority of the votes of all the members of the council, and shall be chosen from the aldermen or the councillors, and his seat shall thereupon become vacant; he shall hold office for two years.

The Mayor's salary.

3. The mayor shall receive, out of the funds of the said city, a salary not exceeding twelve hundred dollars per annum.

Alderman and Councillors for each ward.

4. On and after the first Monday of May following the passing of this act, each ward of the city shall be represented in the city council by one alderman and two councillors, elected for two years by the municipal electors entitled to vote for such ward.

Present Mayor. His term of office.

5. The person who shall be mayor of the city at the time of the passing of this act shall continue to hold the said office until the election of his successor or of his re-election under the present act and no longer, unless he shall have previously resigned his seat, or that it have become vacant for any other cause.

Present Aldermen and Councillors.

6. Every person who shall be an alderman or councillor of the said city at the time of the passing of this act shall continue to hold his office until his re-election or the election of his successor, in virtue of the present act, and no longer, unless he shall have previously resigned his seat, or that it have become vacant for any other cause.

QUALIFICATION OF ELECTORS.

General qualification.

2. The seventh section of the act twenty-ninth Victoria, chapter fifty-seven, is repealed, and the following section is substituted therefor:

1. To vote for the election of an alderman or of a councillor the person intending to vote shall be at least of the age of twenty-one years, shall have been assessed according to law, shall have paid all his assessments before the first day of March at least of each year, shall be a subject of Her Majesty by birth or naturalization, and be inscribed on the list of voters for alderman or councillor for the ward in which he desires to vote.

To vote for Alderman.

2. No person shall be entitled to vote for the election of an alderman unless he is proprietor of immoveable property in the said city of the annual assessed value of fifty dollars or more, nor unless his name be inscribed on the list of electors having the right to vote for an alderman for the ward in which he wishes to vote.

Proprietors voting for Councillor.

3. No person shall vote for councillor unless he is proprietor of immoveable property in the said city of the assessed value of twenty-five dollars, nor unless his name is inscribed on the list of persons having the right to vote for a councillor for the ward in which he desires to vote.

4. Every co-proprietor shall be equally entitled to vote for an alderman or for a councillor, if his share of the property is assessed at an annual value sufficiently high, and if he is otherwise duly qualified in accordance with the two preceding paragraphs. Co-proprietors.

5. Notwithstanding the two preceding sub-sections every person shall be entitled to vote for the election of councillor, who shall have paid to the city treasurer, before the first of March, the sum of twenty-five dollars of annual assessments of whatever nature for the current year, apart from water tax, and provided that his name is inscribed on the list of voters for councillor, for the ward in which such person desires to vote. Rate-payer voting for Councillor.

6. Notwithstanding the sub-sections three and four of this section, every resident of the said city will have the right to vote for a councillor, provided that previous to the first of March, there shall have been paid to the treasurer of the said city, the sum of ten dollars for such proportion of the annual assessment on his rental as would before the passing of this act, have fallen to the tenant or other taxes for the current fiscal year, apart from his water rates, and provided his name is inscribed on the list of voters for councillors for the ward in which he resides.

7. No person being an officer or servant of the corporation, and receiving an income or wages from the corporation as such, or having any subsisting contract with the corporation, or interest in such contract, at the time of such election, or who has received any money, note or promise of reward for his vote, shall vote at any election for alderman or councillor in the said city. Corporation officers, &c., disqualified.

VACANCIES.

3. The first paragraph of the eighth section of the act twenty-ninth Victoria, chapter fifty-seven, is repealed, and the following is substituted therefor:

1. If any vacancy occur in the office of mayor, the city council shall, in accordance with the requirements of this act, at its first meeting after the occurring of such vacancy, elect from among their own number a suitable person to be mayor for the rest of the term of the former mayor, and the seat of the alderman or councillor thus chosen to be mayor, shall be filled up by the election of another councillor or alderman as the case may be, in the manner provided by this act for the election of alderman or councillor. Vacancy in the office of Mayor.

4. The fifth sub-section of the eighth section of the twenty-ninth Victoria, chapter fifty-seven, is repealed, and the following substituted therefor:

1. Every extraordinary vacancy in the office of alderman or councillor, shall be filled up for the remainder of the Vacancy in the office of Alder-

man or Councillor. term of office within the six juridical days appointed by the mayor, (following as nearly as possible the said vacancy) in the same manner as is herein provided to be followed at the ordinary expiring of the term of office of an alderman or a councillor; such notice to be given by the mayor in an English newspaper and a French newspaper published in the said city, at least two days before that appointed for the nomination of candidates.

MUNICIPAL ELECTIONS—LIST OF VOTERS.

§ 1 of sec. 11, 29 V., c. 57, repealed.

5. The first paragraph of the eleventh section of the twenty-ninth Victoria, chapter fifty-seven, is repealed by the present act, and the following substituted therefor:

List of Electors.

1. Before the tenth day of March, one thousand eight hundred and seventy, and of each year thereafter, the assessors shall prepare for each ward, from the assessment books for the then current fiscal year, two alphebetical lists, one being that of all persons who shall appear by such books to be assessed at rates sufficiently high to entitle them to vote in such ward for councillors, who shall have paid their assessments for the current fiscal year before the said first day of March, and the other being a list of persons being entitled as aforesaid to vote for aldermen who shall have paid their assessments as aforesaid, and, before the said tenth day of March, they shall certify each of the said lists, and give them to the city clerk to be posted up in his office on the said last mentioned day, where they shall remain posted up till the twentieth day of the said month, both days included, from nine of the clock in the forenoon till four of the clock in the afternoon, and the said city clerk shall, before the said tenth day of March, and until the twentieth day of the said month of March, cause a notice of the said lists being so deposited in his office to be published in one English and in one French newspaper in the said city.

§ § 2 and 18 of sec. 11 of 29 Vic., c. 57, amended.

6. Sub-sections two and eighteen of the eleventh section of the said last-mentioned act are amended by substituting the words "twenty-first of March," for the words "fifteenth day of November," mentioned in the said sub-sections respectively.

§ 7 and 17 of s. 11 of 29 Vic., c. 57, amended.

7. Sub-sections seven and seventeen of the said eleventh section are amended by substituting the words "twenty-first day of March" to the words "twentieth day of November," mentioned in the said two sections.

§ 19 of s. 11 of 29 Vic., c. 57, amended.

8. Sub-section nineteen of the said section is amended by substituting the words "first day of April" to the words "tenth day of December."

9. The following sub-sections are added at the end of sub-section twenty of the eleventh section of twenty-ninth Victoria, chapter fifty-seven :

1. The city clerk shall be liable to a penalty of fifty dollars, and in default of payment of the same and of costs, to imprisonment of not more than one month for each time that he shall refuse or neglect to fulfil any one of the duties imposed upon him by the present act. **Penalty on City Clerk for refusal to act.**

2. Every assessor shall incur a penalty of fifty dollars, and in default of payment of the sum and of costs, imprisonment for not more than one month each time that he shall refuse or neglect to fulfil any of the duties imposed on him by the present act. The penalties in the two preceding cases may be recovered before any justice of the peace. **Penalty on assessors for refusal to act.**

CANDIDATES—NOMINATION AND REGISTRATION OF VOTES.

10. The twelfth section of the act twenty-ninth Victoria, chapter fifty-seven, is repealed, and the following is substituted therefor :

1. As soon as the lists of voters shall be revised, corrected, signed and sealed in conformity with the said act, they shall be again placed in the city hall, under the care of the city clerk, to remain in the archives in the office of the said city clerk, who shall forthwith supply certified copies of the said lists, or of any of them, at the rate of ten cents per hundred words, for such copy or copies, when requested to supply one by any duly qualified voter. **Revised lists to whom supplied.**

2. On the second Monday of April, one thousand eight hundred and seventy, and of each alternate year, or on the next juridical day, if the second Monday is a legal holiday, the nomination of candidates for the offices of aldermen and councillors, shall take place at the city clerk's office, in the city hall, between nine of the clock in the morning and four of the clock in the afternoon. **Nomination of candidates.**

3. For the first election of aldermen and councillors, under the present act, and for all those to take place thereunder in future, the candidates shall be named and designated in a requisition in writing, signed by two or more electors duly qualified under this act, and deposited in the office of the city clerk, on the second Monday of April. **Mode of designating candidates.**

4. If there should be but one candidate on the first day of nomination he shall be *ipso facto* elected, and it shall be the duty of the city clerk to immediately proclaim the election of such candidate and to publish notice thereof in one English and in one French newspaper of the said city. **If only one candidate.**

5. If there should be more than one candidate for any such office, the voting shall take place at the office of the city clerk, between the third Monday of April, and the **If several candidates.**

following Saturday, both days included, between nine of the clock in the morning and four of the clock in the afternoon, and it shall be the duty of the city clerk to announce the names of the candidates for each ward, by a notice posted on the door of his office at the city hall, and published in an English and in a French newspaper of the said city, from the day of such nomination until the first day of voting.

Voters on list need no other oath than that of schedule 5.

6. Every person whose name shall appear in the said copy of the said voters' list, shall be entitled to vote at the election of a person to be alderman or councillor for the ward for which such list shall have been made without taking any oath other than that indicated in schedule 5, annexed to this act, which oath the said city clerk, or his assistant, or any justice of the peace present at the said election, shall have power to administer.

Voting in writing.

7. Any duly qualified elector shall have the privilege of voting in writing, by drawing up a declaration which he shall sign before the sheriff, prothonotary, judge of the sessions, recorder, clerk of the crown or clerk of the peace of the said city of Quebec, who knows him, in which he shall state for which candidate he votes, taking before such public officer the affidavit indicated in schedule 5, annexed to this act, (omitting in the said affidavit the words: "which is now shown to me"); which said declaration and affidavit shall be delivered to the clerk of the said city within the fifteen days preceding the closing of the poll, during the said election the said city clerk shall file the same among the archives of his office, and shall register the said vote in the poll book, and such vote shall have the same effect for the purpose of this act, as if it had been registered in the presence of the voter.

Candidates may be present and protest.

8. Each and every candidate, shall have the right of being present in the office of the said city clerk during the whole or any part of the said election, either in person or by proxy, and shall have the right to satisfy himself by inspection that the votes have been correctly entered, and such candidate or his proxy shall have the right of protesting against all errors, frauds, irregularities, or false entry or entries which may be made before the said city clerk.

Poll-books.

9. The city clerk shall prepare, before the first day of April immediately preceding such election, poll books, to wit: a book for each ward of the said city in which shall be entered, under distinct headings, under the inspection of the city clerk or his assistant, during the voting, the name of each elector and the name of the candidate for whom such elector may vote.

How made.

10. There shall be in the said books distinct and separate columns, at the head of which shall be written the names

of the candidates for the office of aldermen and councillors for whom the electors may vote, and so soon as each elector shall have voted, his vote shall be registered by the figure 1, placed in the column opposite to the voter's name and in the column at the head of which appears the name of the candidate for whom such elector shall have voted.

11. On the demand of any candidate or of his duly authorized agent, or of any qualified elector for such ward, or when the city clerk or his assistant, or any justice of the peace, may judge it fit and proper, the said city clerk or his assistant, or any such justice of the peace, shall and may administer to any voter the oath contained in the hereinabove mentioned schedule 5. Oath administered.

12. If the voter refuses to take the oath, the words "refused to swear," shall be written opposite to his name, and he shall be disqualified thereby from voting. If the voter consent to take the oath, the word "sworn," shall be written opposite to his name and his vote shall be registered. Refusal to take the oath.

13. Any person, who, at any election of an alderman, or councillor or councillors for the said city, or for any ward thereof, shall unlawfully attempted to vote with the certificate of another elector, may, and shall be liable to be arrested on view by any justice of the peace for the said city of Quebec, or by any peace officer or constable present at any such election, or by warrant of any justice of the peace, and so arrested to be committed to safe custody, or confined in the common gaol of the district of Quebec, till the close or termination of the said election, and till good and sufficient security may be taken from the parties so arrested, that they shall duly appear and answer to any charge that may be made against them as aforesaid; and each and every such person, on conviction of the said offence, shall forfeit and pay a fine or sum of money not exceeding one hundred dollars current money of this province, and in default of immediate payment shall be liable to an imprisonment not exceeding three months in the common gaol or the house of correction of the said district, for each and every such offence, unless such fine shall be sooner paid. Arrest, &c., of persons illegally voting, and penalty, &c.

14. The city clerk, or his assistant shall have the power of naming one or several clerks to enter in the poll books the names of voters, and to make all the other entries required by this act, and such clerk or clerks shall take before the city clerk or his assistant the oath contained in schedule B annexed to the said act twenty-ninth Victoria, chapter fifty-seven. Clerks.

15. Each elector may vote at the election of an alderman or a councillor for each ward in which his name is legally inserted in the respective list of voters for such ward. Electors ma vote in mor than one w

City Clerk's return.

16. On or before the first Monday of May, the said city clerk or his assistant shall draw up a report, establishing in writing, at full length, the number of votes thus registered for each candidate, and he shall annex to the said report an affidavit sworn to before any justice of the peace, (and which affidavit such justice of the peace is by this act authorized to receive), stating that the said poll books have been faithfully and carefully kept according to law. The report shall be made to the Recorder, whose duty it shall be on the first Monday of May, at the office of the city clerk, in the city hall, to declare elected to the charge of aldermen or councillors all those who shall have obtained the highest number of votes for said charge of alderman or councillor in each ward; and in case of the votes being equally divided for the same charge of alderman or councillor, the city clerk shall determine and decide between those who have the same number of votes, who shall, thereupon, be held and considered to have been duly elected to the said charge, and so soon as the aldermen and councillors shall have been declared elected as aforesaid, it shall be their duty forthwith to elect a mayor for the said city in the manner provided by this act. In case of sickness, death, absence or incapacity for duty of the city clerk, it shall be the duty of the council to name an assistant to act in lieu and place of the said city clerk, and with all his powers; and if such council refuse or neglect to make such appointment, then any two qualified municipal electors may apply to the recorder of the city to name a person to act as city clerk on said occasion.

Proclamation by the Recorder.

Cases of sickness or incapacity of the City Clerk provided for.

§ 1 of sec. 13 of 29 Vic. ch. 57, amended.

11. The first paragraph of section thirteen of the act twenty-ninth Victoria, chapter fifty-seven, is amended by striking out of the two first lines thereof the words: "every member who presides at such nomination or election in any ward of the city," and substituting therefor the following words: "the city clerk or his assistant who presides at the nomination or voting for candidates."

S. 15 of 29 Vic., ch. 57, repealed.

12. Section fifteen of the said act is repealed.

§ 2 of s. 2 of 29 and 30 Vic., ch. 57, amended.

13. Sub-section two of section two of the act twenty-ninth and thirtieth Victoria, chapter fifty-seven, is amended by striking out the word "mayor;" and by substituting the words "first Monday of May" for the words "second Monday in January," contained in the said sub-section.

§ 5 of s. 11 of 29 and 30 Vict., ch. 57, repealed and replaced.

14. Sub-section five of section eleven of the act twenty-ninth and thirtieth Victoria, chapter fifty-seven, is repealed, and the following substituted therefor:

Proprietors alone responsible for taxes.

1. Proprietors or persons in possession as proprietors of immoveable property within the said city shall, after the first day of May, one thousand eight hundred and seventy, be held and bound to pay all the assessments and water rates duly imposed thereafter on the said property.

2. But such proprietor or possessor shall be entitled to recover from the tenant or occupant by suit in the recorder's court, all assessments, which by the law hereby amended fell to the share of his tenant, whether such proprietor or possessor has previously to such suit paid the said assessments or part of them or not, and this provision shall apply to subsisting leases passed previously to the present act; provided that the assessment books of the said corporation shall continue to be made as herebefore, and shall contain the names of both proprietors and tenants, although the proprietor or person in possession as proprietor, alone is responsible to the said corporation for the assessment on the said property. Proprietors' recourse.

15. Section forty-one of the act twenty-ninth and thirtieth Victoria, chapter fifty-seven, is repealed. S. 41 of 29 and 30 Vic., ch. 57, repealed.

16. If the day on which any thing is to be done in conformity with this act is a non-juridical day, such thing may be done with equal effect on the next juridical day thereafter. Non juridical days.

17. The council of the city of Quebec is authorized to impose the assessment and taxes hereinafter enumerated, that is to say:

1. The capitation tax now in force is hereby repealed, and the following substituted therefor: Capitation Tax.

No person of the male sex, above the age of twenty-one years, and under the age of sixty years, and residing in the said city, shall pay for capitation or other tax less than two dollars per annum.

18. The twenty-second section of the act twenty-ninth and thirtieth Victoria, chapter fifty-seven, is repealed, and the following substituted therefor: Sec. 22nd of 29, 30 Vict. c. 57, repealed.

1. In every case where the council is or shall be authorized to impose a specific rate or rates on any commerce, trade or business whatsoever, followed or carried on in the said city by an association or company of persons, or by any person whomsoever, the said council may impose such rate or rates in the manner now prescribed by law, or oblige all such association or company of persons or any person whomsoever, to take out a license for the carrying on of such commerce, trade or business, or merely render liable to such obligation the said commerce, trade or business to such extent, and not exceeding the rate fixed by the by-law of twenty-seventh April, one thousand eight hundred and sixty-six. Licenses to be taken out by traders, &c.

2. All licenses shall be issued under the signature of the city clerk, on the certificate of the city-treasurer that the price of the said license has been paid by the person applying for the said license. How issued.

3. Any person carrying on in the said city any commerce, trade or business for which a license ought to be Panalty in case of contravention.

previously taken out and obtained as aforesaid, without such license, shall incur for such offence a fine not exceeding five hundred dollars, to be recovered conformably to law, before the recorder's court of the said city.

For what period licenses shall be valid.

4. All licenses granted in virtue of the present section as well as all licenses which the corporation of the city of Quebec is authorized to issue under the acts incorporating the said city, shall be valid from the day of the issuing thereof until the first day of May then next, and no longer.

Not to apply to transient merchants.

5. The provisions of the present section shall not apply to transient merchants.

Sec. 32, of 29, 30 Vic., c. 57 to apply to contraventions of by-laws except, &c.

19. The thirty-second section of the said act twenty-ninth and thirtieth Victoria, chapter fifty-seven, shall apply to offences committed in contravention of the by-laws in force, or which shall hereafter be in force in the said city, but not of the by-law relating to transient merchants.

§ 2 of sec. 50 of same act also to apply.

20. The second sub-section of the fiftieth section of the same act is extended to offences committed against the by-laws of the said city now in force, or which hereafter shall be in force.

§ 3 of sec. 21 of 29 Vic. ch. 57 repealed.

21. The third sub-section of the twenty-first section of the twenty-ninth Victoria, chapter fifty-seven, is hereby repealed.

Formalities presumed to have been complied with.

22. All formalities prescribed by law, with reference to any matter or thing required to be done by the council of the said city, or by its officers, or by the assessors of the said city, or by any of them, shall be presumed to have been done and executed until proof to the contrary.

Assessment book.

23. Any assessment book, or roll appearing to be an assessment book or roll of the said city, or of one of the wards thereof for a given year, and produced before a court of justice, until proof to the contrary, shall be presumed to be an assessment book or roll of the said city or of such ward thereof for the said year.

Costs in Recorder's Court.

24. The recorder's court may use its discretion in awarding or withholding costs or ordering each party to pay his own costs.

Clerk of the Recorder's Court.

25. The clerk of the recorder's court or his deputy shall discharge all and singular the duties imposed by the third section of the one hundred and eleventh chapter of the consolidated statutes for Lower Canada, in so far as the said chapter may apply to the said recorder's court.

Sect. 10, 31 Vic., c. 33, repealed.

26. The tenth section of the act thirty-first Victoria, chapter thirty-three, is repealed, and the following substituted therefor:

Butchers, &c., to take out license.

1. To compel all butchers, bakers, hucksters, pedlers, carters and porters residing or exercising their trade or business in the said city, and all bateaumen, canoemen, and boatmen plying for hire between the city of Quebec and

any other place whatsoever, to take out licenses and numbers from the city clerk, for which licenses and numbers no more than ten dollars shall be exacted, if the person bound to take out such license reside within the limits of the said city, and not exceeding twenty dollars if the person do not reside in the said city, but carries on business therein ; provided always that the bateaumen and canoemen shall not require a license for the winter season.

2. The said council may, by a by-law, fix and determine the demensions of such numbers and the mode and manner of placing them on each vehicle, horse, boat, bateau or canoe used by any of the said persons in the exercise of their said trade or calling respectively. For each number so given by the said corporation, there shall be paid a just and reasonable compensation to be fixed by the said by-law. Dimension of numbers.

3. Whosoever shall infringe any of the provisions of the by-law made in conformity with the present section shall incur for each offence a fine not exceeding twenty dollars, which shall be recovered according to law before the recorder's court. Penalty.

4. Whosoever shall habitually put, place, or cause to be put or placed a boat, canoe or bateau, at or near any landing slip, strand or wharf whatever within the limits of the city of Quebec, or transport in such canoe, bateau or boat any person, effects or merchandize whatsoever, shall be considered as exercising the trade or calling of a canoeman, bateauman or boatman, for hire and profit as above stated, whether for himself or for any other person, and shall be liable to all the fines and penalties imposed by law or by the by-laws of the said city against persons exercising the trade or calling of boatman, bateauman or canoeman ; and in all suits or complaints brought in virtue of the present provision, the defendant shall be held to allege and prove that he does not exercise the trade or calling of a bateauman, canoeman or boatman. Who shall be deemed to be exercising the calling.

27. Whenever three-fourths of the proprietors or occupants of any street of the city or any portion thereof in extent not less than one hundred yards, shall express to the corporation in writing their desire to plank, macadamize or otherwise repair the said street or portion thereof, as the case may be, and offer to furnish at their costs and charges the necessary material for such planking, macadamizing or repairs, it shall be lawful for the corporation to order such planking, macadamizing or repairs to be effected, on the proprietors or occupants aforesaid furnishing and delivering on the spot at their costs and charges, the said materials necessary for the same, and in such case the whole of the proprietors or occupants aforesaid fronting the said street or portion thereof as aforesaid shall respect- Three-fourths of the proprietors of a street may obtain the planking thereof.

ively be held and bound to furnish and deliver on the spot their proportion of the said materials, and in default of any such proprietor or proprietors, occupant or occupants within six days after notice in writing to that effect served on him or them by the superintendent of works, to furnish and deliver on the spot his or their proportion of the materials aforesaid, it shall be competent to the said superintendent of works to cause the same, for the purposes aforesaid, to be purchased and delivered on the spot aforesaid, at the costs and charges of such proprietor or proprietors, occupant or occupants who may have made default as aforesaid, and which said costs and charges shall be recovered from such proprietor or proprietors, occupant or occupants by action of debt instituted in the name of the corporation, in the recorder's court together with the costs of such action. And in case where the occupant by lease or agreement is not bound to pay such charges, he shall be entitled to recover the amount of such sum as may have been expended by him for the purposes aforesaid, or of such said judgment rendered against him and costs, from the proprietor or other person bound by such lease or agreement or by law to pay the same, by an action brought to that effect before the said court.

Stalls to be let by notarial leases.

28. The letting of the stalls of the divers market halls of the said city shall be effected by notarial deeds; the lessee shall furnish to the satisfaction of the mayor of the said city two solvent securities not lessees of stalls.

When possession of stall given.

1. The possession of a stall shall not be given to a lessee until the said securities are furnished and the lease signed by the mayor.

Corporation may eject stall lessees in certain cases.

29. If, for one or more of the causes which give the lessor a legal right to demand the resiliation of the lease or the ejectment of the lessee, before the expiration of the lease, it become necessary that the corporation do bring an action against the lessee of a stall as aforesaid or the purchaser or last bidder of the cattle stand or of the revenues of any of the markets of the said city, this action may be brought before the recorder's court, as well as before the recorder of the said city, who shall have and possess so far as this action is concerned, all, each and every the powers and jurisdiction which the law gives in this respect to the superior court or to the circuit court or to the judges thereof.

§ 1 of sec. 24 of 29 V., c. 57, repealed.

30. The sub-section one of the section twenty-four of the act 29th Victoria, chapter 57, is hereby repealed and the following substituted therefor :

Certain provisions to apply to collection of ordinary rates.

1. The provisions contained in the next preceding section of this act, as respects the collection of special rates and assessments, shall apply to the collection by the corporation of its ordinary rates and assessments annually

imposed, except that all the powers thereby given to and duties imposed on the sheriff, shall and may be exercised and performed by the city treasurer, or by any officer or bailiff of the recorder's court authorized by him ; and the said city treasurer as respects all rates and assessments to be imposed, otherwise than by the sheriff, is hereby authorized to give the notices, (form G), make the demands (form H), to be signed by the city treasurer or bear a *fac simile* of his signature, and for the said notices, the treasurer is authorized to charge a sum of twenty cents for each notice, and ten cents for the signification thereof by the bailiff, and in default of payment to seize and sell by warrant to be issued by the recorder's court, according to (form J) annexed to this act, in manner and form as provided for in the said section ; and in the event of any opposition being filed, the proceedings shall be remitted to the recorder's court, which shall have full power to act and adjudicate therein, subject to an appeal when an appeal is now granted by law.

Sec. 18 of 31 Vic. c. 33 repealed and sec. 20 of 29 V., c. 57 & sects. 7, 8 & 9 of 29, 30 V., c. 57 revived.

31. The section eighteen of the act thirty-first Victoria, chapter thirty-three, is hereby repealed, and the section twentieth of the twenty-ninth Victoria, chapter fifty-seven and sections seven, eight and nine of the twenty-ninth and thirtieth Victoria, chapter fifty-seven, thereby repealed, are by the present act revived and restored to full force and effect.

CONSOLIDATED FUND.

Quebec consolidated fund established.

32. A consolidated fund is hereby established for the city of Quebec to be known as "the city of Quebec consolidated fund," which shall consist of stock or shares and debentures of not less than one hundred dollars each, which the corporation of the said city may dispose of from time to time, as opportunity offers, to an amount not exceeding two million five hundred thousand dollars, current money of this province ; and the said stock, shares and debentures shall form three classes, under letters A, B, C, to be composed as follows :

Fund divided into classes.

Class A.

1. Class A shall comprise the stock or shares to be known as the "Quebec water works stock," to the amount of one million of dollars, current money of this province, which shall be applied towards the paying off and extinction of the debt incurred for, and in respect of the water works of the said city, and shall be secured by special mortgage and privilege and without the formality of registration at the registry office, on the real estate, buildings, machinery, apparatus, mechanism and works generally in connection with the water works department.

Class B.

2. Class B, shall comprise the stock or shares to be known

as "the Quebec public property stock," to the amount of five hundred thousand dollars, current money of this province, which shall be applied towards the paying off and extinction of the debt incurred for, and in respect of public property in the said city, and shall be secured by special mortgage and privilege and without the formality of registration at the registry office, upon the public markets, fire and police stations, fire alarm telegraph, including the land in connection therewith, the wharves and public squares belonging to the said city.

Class C. 3. Class C. As the present sinking fund on the city debendures, "old issue," "new issue" "Champlain and St. Ours streets widening," "fire alarm telegraph" will not be sufficient to meet the amount of these debentures at maturity, it shall be lawful for the said corporation of the city of Quebec to issue debentures to be known as "the city of Quebec terminable debentures" to the amount of one million dollars, not less than one hundred dollars each, the proceeds of which shall be applied to the payment of the debentures falling due and not otherwise. The said debentures to have the same guarantee as those which they are to replace and to be redeemable in ten years, and the said council shall have power to renew the same for the same number of years, or to issue new debentures for the same period.

The shares in A & B shall be permanent. **33.** The shares or stock comprised in the two classes to wit: "the Quebec water works stock" and "the Quebec public property stock" shall be permanent in perpetuity and irredeemable; and upon shares, stock and debentures of the three classes above mentioned, forming "the Quebec consolidated fund" there shall be paid by the Treasurer of the said city to each of the subscribers to the said consolidated fund, at the office of the said treasurer, at the city hall, in the said city, a uniform interest at the rate of seven per cent each year semi-annually, on the first day of January and on the first day of July.

Certificate to be given to purchasers of shares. **34.** Any person who shall subscribe for or purchase one or more shares in the said consolidated stock shall receive from the treasurer of the said city a certificate to that effect to be signed by the mayor of the said city and countersigned by the treasurer and sealed with the seal of the said city; which said certificate may be in the form of schedules No. 1 and No. 2 (as the case may be), appended to the present act.

Shares may be realized. **35.** It shall be lawful for the said corporation to negotiate the said stock, shares or debentures, either in this province or elsewhere, and to pay the interest on the same either in sterling money or in the current money of this province, and to meet in the same manner the terminable debentures of the class C.

36. It shall be the duty of the city treasurer to register, in a book to be kept for that purpose, all shares, stock and debentures to be negotiated by virtue of the preceding sections as they are disposed of, and also the name of each individual, person, or firms of persons or corporations who may have subscribed to any amount of the said shares or stock or debentures; and when such subscriber or subscribers shall transfer or make over his or their said shares to a third party, such transfer or cession may be made in the form of schedules numbers three and four (as the case may be,) appended to this act; and the same shall be entered and registered by the said treasurer in a distinct book or register to be kept for that purpose by the said treasurer, and to which access may be had by interested parties on demand; and such subscriber or transferer last enregistered, as hereinbefore prescribed, shall be held to be *primâ facie* the creditor of the amount of such shares, stock or debentures; and such shares, stock and debentures are and shall be transferable in the manner aforesaid.

Stock book.

Transfer books; which will be *primâ facie* proof.

37. Every year, on or before the first day of January, the city treasurer shall take from and out of the annual revenues and other funds of the said corporation, and before the payment of any appropriation whatsoever of the said revenues or funds, a sum of money equal to two per cent on the said sum of one million of dollars, current money of this province, which said sum of two per cent every year, the said treasurer shall keep apart from all other monies to be invested and applied solely and exclusively as a sinking fund towards the extinction of the debt created by the realisation of the debentures issued under this act, forming the class C, and known as "the city of Quebec terminable debentures" as hereinbefore provided; and the said treasurer shall invest the sum thus set apart as a sinking fund, in public securities, shares of chartered banks, bonds of the federal government of Canada or the local government of Quebec, and not otherwise; provided however the said treasurer may, if deemed advisable by the finance committee of the said corporation, pay off, from and out of the said sinking fund, any sum in deduction of the debt created by "the Quebec terminable debentures" towards the gradual extinction of such debt; and the said treasurer shall place before the city council at its first meeting in January in each year a certificate signed by himself, and countersigned by the said mayor, to the effect that he has faithfully fulfilled the obligations imposed upon him by the present section of this act, and in default of his so doing, the said city treasurer shall become and be liable to pay to the said corporation a fine of six hundred dollars, said currency, which said fine may be recovered in the same manner as all other fines imposed in

Sinking fund for the extinction of debentures under class C.

Sinking fund how invested.

Duties imposed on treasurer by this section.

and by the several statutes concerning the said corporation, and shall form part of the sinking fund aforesaid, and it shall be the duty of the auditors of the said city to submit to the said council annually a statement under oath showing whether the said treasurer has or has not fulfilled all the obligations imposed upon him by the present section.

Corporation shall retain a sum equal to the amount of its bonds now in circulation, which it shall redeem.

38. The corporation of the said city shall at all times retain in their hands, from and out of "the Quebec consolidated fund," a sum equivalent to the amount of their bonds, securities or debentures, then in circulation and issued, in virtue of the several statutes concerning the said corporation, and it shall be held, with the said sum, to redeem the bonds or debentures in circulation at maturity or by agreement with the holders thereof, or to receive the same in exchange for shares, stock or debentures available in virtue of the present act, on such terms and condition as may be agreed upon, the said sum not to be employed for any other purpose.

Personal taxes on partnerships payable by each partner.

39. In non-commercial partnerships any personal tax imposed on persons exercising any profession or trade in the said city shall be payable by each such person individually, notwithstanding the fact that he exercises such profession or trade in partnership with others.

Protection of assessors.

40. Any person who shall refuse to reply to the questions which are put to him by any assessor in the discharge of the duties imposed upon him by law, or who shall give information to the said assessor which he knows to be false, or who shall verbally insult or slander or strike such assessor, or who shall refuse to allow any such assessor, in the discharge of his said duties, to enter in and upon his property or the localities occupied by him, shall incur for each such offence a penalty not exceeding forty dollars, which shall be recovered, according to law, before the recorder's court of the said city.

§ 9 of sec 17 of 29 Vic., c. 57 repealed.

41. The ninth sub-section of the seventeenth section of the twenty-ninth Victoria, chapter fifty-seven is hereby repealed.

Corporation may take shares in the Quebec and Gosford Railway.

42. The corporation of the city of Quebec is hereby authorized to take stock in the Quebec and Gosford Railway Company to the amount of ten thousend dollars,and to issue debentures to an amount sufficient to meet the payment thereof, the said debentures ro be redeemable in twenty years from the date thereof, and not to bear interest above seven per cent, and should the corporation of the city of Quebec, take stock as aforesaid in the Quebec and Gosford Railway Company, to the amount of ten thousand dollars, the mayor of the said city shall be *ex officio* a member of the board of directors of the said company.

43. The corporation may if it is deemed advantageous exempt either in part or altogether for a period not exceeding ten years, from municipal rates or taxes, individuals or corporate companies who shall establish manufactories within the city. The corporation shall not be obliged to act uniformly, but shall, if deemed proper, decide each case on its own particular merits. Corporation may exempt from taxes persons establishing manufactures in Quebec.

44. The present act shall be considered as forming but one and the same act with the acts hereby amended. To form but one act with acts amended.

45. All acts or portions of acts contrary to or incompatible with the provisions of the present act are hereby repealed. Inconsistent acts repealed.

46. This act shall be deemed a public act. Public act.

SCHEDULE No. 1.

City of Quebec Consolidated Fund

Classes A or B

Permanent Stock.

C

City Hall,
Quebec, 18

Certificate No.

This is to certify that
of
at the date hereof, is the registered owner, in the books of the corporation of the city of Quebec, of
shares of one hundred dollars each, in all amounting to dollars, of the consolidated fund of the city of Quebec, (as detailed in the margin hereof,) established under the authority of the act of the legislature of Quebec, in the Dominion of Canada, passed on the first day of February, 1870, (33 Vic., chap. 46,) intituled : " An Act to amend the provisions of the several acts relating to the incorporation of the city of Quebec."

Upon the amount of shares in the said permanent stock standing enregistered to the credit of the owners thereof, in the books of the corporation of the city of Quebec as aforesaid, the corporation of the city of Quebec will pay interest semi-annually, at the rate of seven per cent per annum, on the first days of January and July in each year.

Sealed with the seal of the corporation of the said city of Quebec, signed by the mayor, countersigned by the city clerk, and enregistered in the books of the said corporation by the city treasurer of the said city, this day of 18 .

L. S. Mayor,

City Clerk,

Registered book Folio,

City Treasurer.

SCHEDULE No. 2.

City of Quebec Consolidated Fund

Class C.

Terminable Debentures

City Hall,

Quebec, 18 .

Certificate No.

This is to certify that of is at the date hereof, the registered owner, in the books of the corporation of the city of Quebec, of shares of one hundred dollars each, in all amounting to dollars of the following terminable debentures of the consolidated fund for the city of Quebec, issued under the authority of the act of the legislature of Quebec, in the Dominion of Canada, passed on the first day of February, 1870, (33 Vic., chap. 46), intituled: "An Act to amend the provisions of the several acts relating to the incorporation of the city of Quebec," viz: 1st issue of
payable shares

Upon the amount of shares in the said terminable debentures standing enregistered to the credit of the owner thereof, in the books of the corporation of the city of Quebec, the corporation of the said city will pay interest semi-annually, at the rate of seven per cent per annum, on the first days of January and July in each year, and the principal sum accruing at the maturity of the respective issues of the said terminable debentures, will be redeemed in full and paid to such parties as may stand enregistered proprietors in the books of the said corporation, years after the dates of the respective issues authorized by virtue of the act hereinbefore stated.

Sealed with the seal of the corporation of the said city of Quebec, signed by the mayor, countersigned by the city clerk, and enregistered in the books of said corporation by the city treasurer of the said city, this day of 18

(L. S.) Mayor.

City Clerk.

Registered book Folio

City Treasurer.

SCHEDULE No. 3.

City of Quebec Consolidated Fund

City Hall,

Quebec, 18

This is to certify that has this day transferred in the books of the corporation of the city of Quebec to the credit of of shares of one hundred dollars each, in all amounting to dollars of the consolidated fund of the city of Quebec, under the following classes, viz: The said shares are transferable in the books of the corporation of the said city only by the said or attorney duly constituted.

City Treasurer

SCHEDULE No. 4.

City of Quebec Consolidated Fund

For value received from

of

do hereby assign and transfer unto the said shares of one hundred dollars each, amounting to the sum of dollars, in the consolidated fund of the city of Quebec, viz: of Quebec Water Works stock, (class A) shares of Quebec public property stock (class B) shares and Quebec terminable debentures (class C) shares

Witness my hand, this day of in ihe year one thousand eight hundred and

Signed in presence of } Signature of party transferring.

Witnesses.

SCHEDULE No. 5.

VOTER'S OATH.

I swear that my name is (here insert or give the name) and that I am the person named in the copy, of the voters' list of electors for alderman (or councillor, as the case may be,) for (here name the ward) ward of the city of Quebec, for the municipal elections, which is now shown to me; that I am duly qualified; that I have not voted at this election in this ward; that I have not received, either directly or indirectly, any money, note, or promise, or reward for my vote; that I am not an officer or a servant of the corporation, or receiving any income or wages from the corporation, as such, and that I have not any subsisting contract with the corporation or interest in such contract at the present time, to disqualify me for voting; that my taxes, assessments, or rates have not been paid in whole or in part by any person to induce me to vote for any candidate at this election, and that I am twenty-one years of age: So help me God.